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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,019	03/06/2000	WOLFGANG STROHMEIER	10191/1239	8203

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EXAMINER

WARD, RONALD J

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/508,019

Applicant(s)

STROHMEIER, WOLFGANG

Examiner

Ronald J Ward

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 7-8, 10-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Burrell (U.S. Patent Number 5,910,882).

As to **claim 7** Burrell discloses a car radio, comprising:

a front panel including a horizontally positioned holder (see Figure 7 and see col. 6 lines 60-67);

a handset (2) capable of functioning as one of a control unit for the car radio and a telephone (see col. 1 lines 40-50, col. 2 lines 50-52), the handset being inserted into the horizontally positioned holder in the front panel (see Figure 7);

a screen (10 in Figure 1); and

control keys (14) provided with a labeling oriented along a first axis that is rotated out of a usual vertical alignment of the handset in a mounted position by an angle between 30 and 60 degrees in a direction of a longitudinal axis of the handset in order to render the labeling easy to read in each one of a plurality of operating positions of the handset (see col. 5 lines 3-10).

As to **claim 8**, Burrell discloses everything as applied to claim 7 above. In addition, Burrell discloses that the first axis of the labeling is rotated 45 degrees in relation to the direction of the longitudinal axis of the handset (see col. 5 lines 3-10).

As to **claim 10**, Burrell discloses everything as applied to claim 7 above. In addition, Burrell discloses that the direction of a display on the screen is capable of being changed in order to adjust the screen to one of the plurality of operating positions (see col. 4 lines 44-59).

As to **claim 11**, Burrell discloses everything as applied to claim 10 above. In addition, Burrell discloses that the handset includes a position sensor for changing the display on the screen (see col. 6 lines 3-11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrell in view of Lindeman et al. (U.S. Patent Number 5,926,119).

Burrell discloses everything as applied to claim 7 above. In addition, Burrell discloses labeled control keys having different shapes and different functions (14, 16, 84 in Figure 1). However, Burrell does not explicitly recite elongated keys oriented perpendicular to the first axis of the labeling.

In an analogous art, Lindeman discloses, in Figure 1, a keypad wherein one key (160) is elongated and oriented perpendicular to the axis of labeling. The advantage of making this key elongated is "to further facilitate location using only the sense of touch" (see col. 2 lines 25-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was to modify the control keys of Burrell to include labeled elongated keys oriented perpendicular to the first axis of labeling, as taught by Lindeman, for the purpose of facilitating the location of those keys.

6. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrell in view of Gottlieb (U.S. Patent Number 4,737,656).

Burrell discloses everything as applied to claim 7 above. In addition, Burrell discloses a remote computer attached to the car radio (see col. 6 line 67 through col. 7 line 3). However, Burrell does not explicitly recite that the remote computer serves as a remote control for the car radio.

In an analogous art, Gottlieb discloses a remote control unit for a car radio to allow a driver to conveniently control the radio (see col. 1 lines 5-12). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to modify Burrell's car radio to include a remote control for enhancing driver convenience, as taught by Gottlieb.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald J. Ward whose telephone number is (703) 305-5616. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

RJW

October 10, 2002


10/16/02

**LESTER G. KINCAID
PRIMARY EXAMINER**